

House Bill 762 (AS PASSED HOUSE AND SENATE)

By: Representative Scott of the 2nd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the board of commissioners of Dade County, approved April 4,
2 1991 (Ga. L. 1991, p. 3893), as amended, particularly by an Act approved May 1, 2002
3 (Ga. L. 2002, p. 5339), and an Act approved April 7, 2004 (Ga. L. 2004, p. 3535), so as to
4 provide that the members of the board of commissioners elected to represent Commissioner
5 Districts 1 through 4 shall be required to reside in their respective districts but shall be
6 elected by all of the electors of Dade County; to provide for a referendum; to provide for
7 preclearance pursuant to Section 5 of the Voting Rights Act of 1965, as amended; to provide
8 for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 An Act creating the board of commissioners of Dade County, approved April 4, 1991
12 (Ga. L. 1991, p. 3893), as amended, particularly by an Act approved May 1, 2002
13 (Ga. L. 2002, p. 5339), and an Act approved April 7, 2004 (Ga. L. 2004, p. 3535), is
14 amended by revising subsection (c) of Section 2 as follows:

15 "(c) Each commissioner shall be a citizen of this state, at least 21 years of age, and shall
16 have been a resident of the respective commissioner district for at least one year
17 immediately prior to taking office. Each commissioner, except the chairperson/county
18 executive, shall be required to reside in the commissioner district that such commissioner
19 represents during his or her term of office. Each commissioner shall be elected by the
20 qualified electors of the entire county. Any commissioner who ceases to be a resident of
21 his or her respective commissioner district during his or her term of office shall thereby
22 vacate his or her seat on the board. All members of the board shall be nominated and
23 elected pursuant to the provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia
24 Election Code,' as now or hereafter amended."

SECTION 2.

Said Act is further amended by revising Section 3 as follows:

"SECTION 3.

(a) The members of the board of commissioners who are in office or take office on January 1, 2011, and any persons filling vacancies in such offices shall serve out the terms of office to which they were elected and until their respective successors are elected and qualified.

(b) The first members of the reconstituted board of commissioners of Dade County from Commissioner Districts 1 and 2 elected by the qualified electors of the entire county shall be elected at the state-wide general election in 2014. Such members shall take office on January 1 following their election for terms of four years and until their successors are elected and qualified.

(c) The first members of the reconstituted board of commissioners of Dade County from Commissioner Districts 3 and 4 elected by the qualified electors of the entire county shall be elected at the state-wide general election in 2012. Such members shall take office on January 1 following their election for terms of four years and until their successors are elected and qualified.

(d) The first chairperson/county executive of the reconstituted board of commissioners of Dade County shall be elected at the state-wide general election in 2004. Such chairperson/county executive shall take office on January 1 following such election for a term of four years and until his or her successor is elected and qualified.

(e) Successors to members elected under subsections (b), (c), and (d) of this section shall be elected at the state-wide general election next preceding the expiration of such terms of office and shall take office on January 1 following their election for terms of four years and until their successors are elected and qualified.

(f) Before entering upon the duties of office, each member of the board shall take and subscribe to an oath for the faithful performance of that member's duties and shall give bond to and be approved by the judge of the Probate Court of Dade County in the amount of \$10,000.00 each, with good and sufficient security, conditioned upon the faithful performance of that member's duties and the faithful accounting for all property and funds coming into that member's hands by virtue of that member's office."

SECTION 3.

The board of commissioners of Dade County shall cause, through its legal counsel, this Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended, within 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 4.

Unless otherwise prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Dade County shall call and conduct a special election for the purpose of submitting this Act to the electors of Dade County for approval or rejection. The election superintendent shall conduct that election at the time of the state-wide general election on the Tuesday after the first Monday in November, 2010. The election superintendent shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Dade County. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved which provides for the county commissioners
() NO elected from Commissioner Districts 1 through 4 to be residents of their
respective districts but be elected by the qualified electors of the entire
county?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for the approval of the Act, Sections 1 and 2 of this Act shall become effective January 1, 2011. If the Act is not approved or if the election is not conducted as provided in this section, this Act shall not become effective and this Act shall be automatically repealed on the first day immediately following that election date. The expense of such election shall be borne by Dade County. It shall be the duty of the election superintendent of Dade County to certify the results thereof to the Secretary of State.

SECTION 5.

Except as otherwise provided in Section 4 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.